

Amendment to the Drawings:

Attached as an annex hereto are four (4) replacement sheets showing amended Figs. 4a through 4g, with the Danish language legends replaced by their respective English translations, as set forth in Paragraph [0099] ("Annex 2") of Patent Application Publication No. 2006/0247901. No new matter has been added.

## REMARKS

This paper is submitted in response to the Office Action mailed July 8, 2009. A Request for a one month extension of time under 37 CFR 1.136(a) is submitted herewith, along with the fee prescribed by 37 CFR 1.17(a)(1). The response is therefore timely, and reconsideration is respectfully requested.

Claims 1-14 were examined. Claims 5, 7, and 8 were rejected under 35 U.S.C. Section 112, second paragraph. Claims 1-14 were rejected under 35 U.S.C. Section 103(a) as unpatentable over US Patent Application No. 2001/003262 – Plaskoff et al. (“Plaskoff”) in view of US 4,983,453 – Beall. Furthermore, the specification and drawings were objected to. As explained below, claims 1-14 have been cancelled and replaced with new claims 15-30, which are believed to be in compliance with Section 112, and the specification and drawings have been corrected to overcome the objections. Furthermore, the rejection under Section 103(a) is respectfully traversed.

### Objections to the Specification and Drawings

Applicant has amended the specification to overcome the objection noted by the Examiner. Applicant has also amended the drawings, as suggested by the Examiner, to replace the Danish language legends in Figs. 4a-4g with the English translations set forth in Paragraph [0099], page 7, of the Published Application. The specification has been amended to describe the amended drawings more accurately. No new matter has been added.

### Rejection under Section 112

Claims 5, 7, and 8 were rejected under 35 U.S.C. Section 112, second paragraph because of the lack of an antecedent basis for certain terms recited therein. These claims have been replaced by new claims 21, 23, and 24 which depend from claims that provide the necessary antecedent basis. Accordingly, it is respectfully submitted that this rejection has been overcome.

### Rejection under Section 103

The rejection of claims 1-14 under Section 103(a) as unpatentable over Plaskoff in view of Beall is respectfully traversed. Claims 1-14 have been cancelled and replaced by new claims 15-30, which are believed to define the claimed method more clearly and succinctly. New claims 15-29, like the claims they replace, relate to a method of selecting a profiled, composite pulltruded element for a load-bearing structure. (New claim 30 defines a structure built in accordance with this method.) This method includes, *inter alia*, the steps of calculating a specific load capability of a specific profiled, composite pulltruded element of

specific dimensions and performing a comparison of the specific load capability with the load requirements of the structure for determining whether or not the load requirements are fulfilled. The claimed method further includes the step of selecting either the specific pulltruded element (by producing a “positive validation response” if the specific element fulfills the load requirements) or an alternative pulltruded element (by producing a “negative validation response” if the specific element does not fulfill the load requirements).

Plaskoff, by contrast, lacks any suggestion of calculating the load capability (or a similar physical parameter) of a component having specific dimensions, nor does the reference suggest comparing the calculated load capability with the predetermined load-bearing requirements of the desired structure, and then using the basis of the comparison to select a pulltruded element that meets the requirements. Unlike Applicant’s claimed method, Plaskoff lacks any capability of offering an alternative component if a selected component does not fulfill desired load requirements. Plaskoff merely employs the user’s inputs as parameters for finding a suitable construction from a list of predetermined design options, without the calculation and comparison steps defined in Applicant’s claimed invention.

Furthermore, nothing in the Plaskoff reference suggests that its method may be employed in selecting pulltruded elements. While Beall does relate to pulltruded elements, there is nothing in the references themselves to suggest that the method of Plaskoff could be used to select a pulltruded element (or any other structural element) based on a calculated load capability of the element, and to perform a comparison between the calculated load capability and the required load capability of the structure in which the element is to be employed. Indeed such steps would serve no purpose in the method of Plaskoff, which concerns itself solely with the selection of room design features, materials, and furnishings, without regard to such physical characteristics and parameters as load-bearing capabilities. Nor is there any suggestion in Beall of selecting pulltruded elements in accordance with the method of Plaskoff. Thus, there would have been absolutely no motivation to those skilled in the pertinent arts to combine the references in the manner suggested by the Examiner.

In summary, there is nothing in Plaskoff, either by itself or in combination with Beall, that would suggest the Applicant’s claimed invention to one of ordinary skill in the art. Therefore, it is respectfully submitted that claim 15-30 define patentably over the art of record and should be allowed.

The application now being in condition for allowance, passage of the application to issue is earnestly solicited.

Should there be any further issues remaining in the application, the Examiner is respectfully requested to telephone the undersigned to expedite the prosecution of the application to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Klein', with a long horizontal flourish extending to the right.

HOWARD J. KLEIN  
Registration No. 28,727

Date: October 26, 2009

Klein, O'Neill & Singh, LLP (Customer No.: 22145)  
43 Corporate Park, Suite 204  
Irvine CA 92606  
Tel: (949) 955-1920  
Fax: (949) 955 1921